

last summer that EPA does not have the authority to regulate carbon dioxide and other greenhouse gases, reversing a Bush campaign promise and a legal opinion issued by the EPA General Counsel under the Clinton Administration.

Rather than taking real action, the Bush Administration's answer to air pollution has been to introduce its so-called "Clear Skies" initiative, which environmental experts say would actually result in weaker standards for controlling pollution from power plants than fully enforcing existing law.

Bruce Buckheit, former Director of EPA's Air Enforcement Division, states he is, "deeply troubled by the current state of federal environmental enforcement," and noted the program is now "on life support."

"Commencing with the creation of the Office of Enforcement and Compliance in 1994 and accelerating in the 1996–2000 timeframe," Mr. Buckheit said, "EPA was building a robust enforcement program that targeted and prosecuted the most serious environmental scoff-laws. . . . These violations involved significant unlawful emissions with identifiable adverse health impacts. Appropriate resolution of these violations would result in a reduction in national pollution levels—not by a few tons—but by several million tons per year and save thousands of lives each year."

"We were embarked on a vigorous program that was beginning to show results," Mr. Buckheit said. "Within 90 days of the departure of the prior Administration, the Bush Administration began transmitting a clear message to industry that there was a new Sheriff in town—a Sheriff that did not intend to prosecute these kinds of cases."

The Administration's failure to enforce environmental laws extends beyond the Clean Air Act. EPA's own research shows that polluters are egregiously violating the Clean Water Act. According to EPA data, 60 percent of large facilities across the country exceeded their Clean Water Act permit at least once between January of 2002 and June of 2003. Large facilities that exceed their permits are dumping, on average, six times more pollution into our waterways than what they are allowed. In spite of these facts, EPA's enforcement of the Clean Water Act is declining.

For fiscal year 2005, the Administration proposes cutting EPA's overall budget by \$606 million. This will result in over 2,600 fewer inspections for violations of the Clean Air Act, Clean Water Act, and other environmental laws than were conducted in fiscal year 2000.

I commend EPA's dedicated professionals who have, through hard work, made significant progress in cleaning up air and water pollution. Unfortunately, I believe the Bush Administration is undermining the ability of EPA staff to do their jobs effectively. As Mr. Buckheit notes, EPA employees are ready and willing to enforce the law but "the White House will not tolerate more than tokenism when it comes to environmental law enforcement."

The Bush Administration continues to put the interests of polluters first, undercutting EPA's tools for protecting our air, water, and land. The federal government owes a responsibility to all Americans to strengthen, not weaken, our environment. We must take action to clean up air and water pollution and reduce greenhouse gas emissions. EPA must

be empowered—and provided the resources—to carry out its mission. Future generation deserve the opportunity to look back at Earth Day 2004 from the perspective of a cleaner and stronger environment.

#### STATUS REPORT ON CURRENT SPENDING LEVELS OF ON-BUDGET SPENDING AND REVENUES FOR FY 2004 AND THE 5-YEAR PERIOD FY 2004 THROUGH FY 2005

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. NUSSLE) is recognized for 5 minutes.

Mr. NUSSLE. Mr. Speaker, I am transmitting a status report on the current levels of on-budget spending and revenues for fiscal year 2004 and for the five-year period of fiscal years 2004 through 2008. This report is necessary to facilitate the application of sections 302 and 311 of the Congressional Budget Act and section 501 of the conference report on the concurrent resolution on the budget for fiscal year 2004 (H. Con. Res. 95). This status report is current through April 9, 2004.

The term "current level" refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted or awaiting the President's signature.

The first table compares the current levels of total budget authority, outlays, and revenues with the aggregate levels set forth by H. Con. Res. 95. This comparison is needed to enforce section 311(a) of the Budget Act, which creates a point of order against measures that would breach the budget resolution's aggregate levels. The table does now show budget authority and outlays for fiscal years 2004 through 2008, because appropriations for those years have not yet been considered.

The second table compares the current levels of budget authority and outlays for discretionary action by each authorizing committee with the "section 302(a)" allocations made under H. Con. Res. 95 for fiscal year 2004 and fiscal years 2004 through 2008. "Discretionary action" refers to legislation enacted after the adoption of the budget resolution. A separate allocation for the Medicare program, as established under section 401(a)(3) of the budget resolution, is shown for fiscal year 2004 and fiscal years 2004 through 2013. This comparison is needed to enforce section 302(f) of the Budget Act, which creates a point of order against measures that would breach the section 302(a) discretionary action allocation of new budget authority for the committee that reported the measure. It is also needed to implement section 311(b), which exempts committees that comply with their allocations from the point of order under section 311(a).

The third table compares the current levels of discretionary appropriations for fiscal year 2004 with the "section 302(b)" suballocations of discretionary

budget authority and outlays among Appropriations subcommittees. This table also compares the current level of total discretionary appropriations with the section 302(a) allocation for the Appropriations Committee. These comparisons are needed to enforce section 302(f) of the Budget Act because the point of order under that section equally applies to measures that would breach either the section 302(a) allocation or the applicable section 302(b) suballocation.

The last table gives the current level for 2005 of accounts identified for advance appropriations under section 501 of H. Con. Res. 95. This list is needed to enforce section 501 of the budget resolution, which creates a point of order against appropriations bills that contain advance appropriations that are: (i) not identified in the statement of managers or (ii) would cause the aggregate amount of such appropriations to exceed the level specified in the resolution.

#### REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET—STATUS OF THE FISCAL YEAR 2004 CONGRESSIONAL BUDGET ADOPTED IN HOUSE CONCURRENT RESOLUTION 95

(Reflecting action completed as of April 9, 2004—On-budget amounts, in millions of dollars)

	Fiscal years—	
	2004	2004–2008
Appropriate Level:		
Budget Authority .....	1,880,555	( <sup>1</sup> )
Outlays .....	1,903,502	( <sup>1</sup> )
Revenues .....	1,325,452	8,168,933
Current Level:		
Budget Authority .....	1,877,536	( <sup>1</sup> )
Outlays .....	1,893,542	( <sup>1</sup> )
Revenues .....	1,334,119	8,383,689
Current Level over (+)/under (–) Appropriate level:		
Budget authority .....	– 3,019	( <sup>1</sup> )
Outlays .....	– 7,954	( <sup>1</sup> )
Revenues .....	8,667	214,756

<sup>1</sup> = Not applicable because annual appropriations Acts for fiscal years 2005 through 2008 will not be considered until future sessions of Congress.

#### BUDGET AUTHORITY

Enactment of measures providing new budget authority for FY 2004 in excess of \$3,019,000,000 (if not already included in the current level estimate) would cause FY 2004 budget authority to exceed the appropriate level set by H. Con. Res. 95.

#### OUTLAYS

Enactment of measures providing new outlays for FY 2004 in excess of \$7,954,000,000 (if not already included in the current level estimate) would cause FY 2004 outlays to exceed the appropriate level set by H. Con. Res. 95.

#### REVENUES

Enactment of measures that would result in revenue reduction for FY 2004 in excess of \$8,667,000,000 (if not already included in the current level estimate) would cause revenues to fall below the appropriate level set by H. Con. Res. 95.

Enactment of measures resulting in revenue reduction for the period FY 2004 through 2008 in excess of \$214,756,000,000 (if not already included in the current level estimate) would cause revenues to fall below the appropriate levels set by H. Con. Res. 95.

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR DISCRETIONARY ACTION, REFLECTING ACTION  
COMPLETED AS OF APRIL 9, 2004

[Fiscal years, in millions of dollars]

	2004		2004–2008 Total		2004–2013 Total	
	BA	Outlays	BA	Outlays	BA	Outlays
House Committee:						
Agriculture:						
Allocation .....	0	0	0	0	(1)	(1)
Current Level .....	0	0	0	0	(1)	(1)
Difference .....	0	0	0	0	(1)	(1)
Armed Services:						
Allocation .....	70	34	70	70	(1)	(1)
Current Level .....	3,818	354	15,168	12,755	(1)	(1)
Difference .....	3,748	320	15,098	12,685	(1)	(1)
Education and the Workforce:						
Allocation .....	39	47	201	245	(1)	(1)
Current Level .....	15	14	332	332	(1)	(1)
Difference .....	–24	–33	131	87	(1)	(1)
Energy and Commerce:						
Allocation .....	–170	–170	439	439	(1)	(1)
Current Level .....	2,202	963	3,451	3,567	(1)	(1)
Difference .....	2,372	1,133	3,012	3,128	(1)	(1)
Financial Services:						
Allocation .....	0	375	0	1,250	(1)	(1)
Current Level .....	–1	–1	–2	–2	(1)	(1)
Difference .....	–1	–376	–2	–1,252	(1)	(1)
Government Reform:						
Allocation .....	–1	0	–3	–1	(1)	(1)
Current Level .....	2	2	24	24	(1)	(1)
Difference .....	3	2	27	25	(1)	(1)
House Administration:						
Allocation .....	0	0	0	0	(1)	(1)
Current Level .....	1	1	3	3	(1)	(1)
Difference .....	1	1	3	3	(1)	(1)
International Relations:						
Allocation .....	0	0	0	0	(1)	(1)
Current Level .....	0	0	0	0	(1)	(1)
Difference .....	0	0	0	0	(1)	(1)
Judiciary:						
Allocation .....	19	19	95	95	(1)	(1)
Current Level .....	13	13	83	83	(1)	(1)
Difference .....	–6	–6	–12	–12	(1)	(1)
Resources:						
Allocation .....	24	24	522	342	(1)	(1)
Current Level .....	28	28	165	165	(1)	(1)
Difference .....	4	4	–357	–177	(1)	(1)
Science:						
Allocation .....	0	0	0	0	(1)	(1)
Current Level .....	0	0	0	0	(1)	(1)
Difference .....	0	0	0	0	(1)	(1)
Small Business:						
Allocation .....	0	0	0	0	(1)	(1)
Current Level .....	0	0	0	0	(1)	(1)
Difference .....	0	0	0	0	(1)	(1)
Transportation and Infrastructure:						
Allocation .....	9,256	0	41,134	0	(1)	(1)
Current Level .....	7,753	–2	8,788	–126	(1)	(1)
Difference .....	–1,503	–2	–32,346	–126	(1)	(1)
Veterans' Affairs:						
Allocation .....	0	0	0	0	(1)	(1)
Current Level .....	–77	–77	–1	–1	(1)	(1)
Difference .....	–77	–77	–1	–1	(1)	(1)
Ways and Means:						
Allocation .....	20,626	20,054	24,079	23,876	(1)	(1)
Current Level .....	18,771	18,703	23,503	23,538	(1)	(1)
Difference .....	–1,855	–1,351	–576	–338	(1)	(1)
Medicare:						
Allocation .....	0	0	(1)	(1)	0	0
Current Level .....	4,100	3,100	(1)	(1)	392,000	392,000
Difference .....	4,100	3,100	(1)	(1)	392,000	392,000

<sup>1</sup> Nonapplicable.

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 2004—COMPARISON OF CURRENT LEVEL WITH APPROPRIATIONS COMMITTEE 302(a) ALLOCATION AND APPROPRIATIONS  
SUBCOMMITTEE 302(b) SUBALLOCATIONS

[In millions of dollars]

Appropriations Subcommittee	302(b) suballocations as of July 22, 2003 (H. Rpt. 108–228)		Current level reflecting action completed as of April 9, 2004		Current level minus suballocations	
	BA	OT	BA	OT	BA	OT
Agriculture, Rural Development .....	17,005	17,686	16,839	17,633	–166	–53
Commerce, Justice, State .....	37,914	41,009	37,582	40,677	–332	–332
National Defense .....	368,662	389,221	368,183	388,648	–479	–573
District of Columbia .....	466	464	542	536	76	72
Energy & Water Development .....	27,080	27,211	27,255	27,263	175	52
Foreign Operations .....	17,120	20,185	17,611	20,171	491	–14
Homeland Security .....	29,411	30,506	29,238	30,007	–173	–499
Interior .....	19,627	19,400	19,540	19,346	–87	–54
Labor, HHS & Education .....	138,036	134,766	138,987	135,069	951	303
Legislative Branch .....	3,512	3,662	3,527	3,603	15	–59
Military Construction .....	9,196	10,282	9,316	10,247	120	–35
Transportation—Treasury .....	27,502	71,360	28,116	71,873	614	513
VA-HUD-Independent Agencies .....	90,034	95,590	90,774	96,404	740	814
Total (Section 302(a) Allocation) .....	785,565	861,342	787,510	861,477	1,945	135

*Statement of FY2005 advance appropriations under section 501 of H. Con. Res. 95, reflecting action completed as of April 9, 2004*

[In millions of dollars]

Appropriate Level ..... Budget authority 23,158

Current Level:

Homeland Security Subcommittee:

Bioshield<sup>1</sup> ..... 2,528

Interior Subcommittee

Elk Hills ..... 36

Budget authority

Budget authority

Labor, Health and Human Services, Education Subcommittee:

Employment and Training Administration ..... 2,463

Education for Disadvantaged

School Improvement ..... 7,383

1,435

<i>Budget authority</i>	
Children and Family Services (head start) .....	1,400
Special Education .....	5,413
Vocational and Adult Education .....	791
Transportation and Treasury Subcommittee:	
Payment to Postal Service ....	37
Veterans, Housing and Urban Development Subcommittee: Section 8 Renewals .....	4,200
<b>Total .....</b>	<b>25,686</b>
Current Level over (+) / under (–) Appropriate Level .....	2,528

<sup>1</sup> This advance appropriation was not on the list of accounts identified for advance appropriations included in the joint explanatory statement of the committee of conference in the conference report to accompany H. Con. Res. 95. Still, since the provision has been enacted, it is included part of the current level for advance appropriations.

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
Washington, DC, April 20, 2004.

Hon. JIM NUSSLE,  
Chairman, Committee on the Budget,  
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2004 budget and is current through April 9, 2004. This report submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2004. The budget resolution figures incorporate revisions submitted by the Committee on the Budget to the House to reflect funding for the Emergency Wartime Supplemental Appropriations Act, 2003, and the Jobs and Growth Tax Relief Reconciliation Act of 2003. These revisions are authorized by sections 421 and 507 of H. Con. Res. 95, respectively.

Since my last letter, dated February 12, 2004, the Congress has cleared and the President has signed the following acts, which changed budget authority, outlays, or revenues for 2004:

The Surface Transportation Extension Act of 2004 (Public Law 108-202);

The Social Security Protection Act of 2004 (Public Law 108-203);

The Welfare Reform Extension Act of 2004 (Public Law 108-210);

An act to reauthorize certain school lunch and child nutrition programs through June 30, 2004 (Public Law 108-211); and

The Pension Funding Equity Act of 2004 (Public Law 108-213).

In addition, the Congress has cleared the following legislation for the President's signature:

An act to require the Secretary of Defense to reimburse members of the United States Armed Forces for certain transportation expenses (S. 2057).

Sincerely,

DOUGLAS HOLTZ-EAKIN,  
Director.

#### FISCAL YEAR 2004 HOUSE CURRENT LEVEL REPORT AS OF APRIL 9, 2004

[in millions of dollars]

	Budget authority	Outlays	Revenues
<b>Enacted in previous sessions:</b>			
Revenues .....	n.a.	n.a.	1,330,756
Permanents and other spending legislation .....	1,120,639	1,081,373	n.a.
Appropriation legislation <sup>1</sup> .....	1,145,398	1,178,431	n.a.
Offsetting receipts .....	–368,484	–368,484	n.a.
<b>Total, enacted in previous sessions: .....</b>	<b>1,897,533</b>	<b>1,891,320</b>	<b>1,330,756</b>
<b>Enacted this session:</b>			
Surface Transportation Extension Act of 2004 (P.L. 108-202) .....	1,328	0	0
Social Security Protection Act of 2004 (P.L. 108-203) .....	685	685	0
Welfare Reform Extension Act of 2004 (P.L. 108-210) .....	107	58	0
An act to reauthorize certain school lunch and child nutrition programs through June 30, 2004 (P.L. 108-211) .....	6	6	0
Pension Funding Equity Act of 2004 (P.L. 108-213) .....	0	0	3,363
<b>Total, enacted this session: .....</b>	<b>2,126</b>	<b>749</b>	<b>3,363</b>
<b>Passed, pending signature:</b>			
An act to require the Secretary of Defense to reimburse members of the United States Armed Forces for certain transportation expenses (S. 2057) .....	13	7	0
<b>Entitlements and mandates: Difference between enacted levels and budget resolution estimates for appropriated entitlements and other mandatory programs .....</b>	<b>–22,156</b>	<b>3,472</b>	<b>n.a.</b>
<b>Total Current Level<sup>1,2</sup> .....</b>	<b>1,877,536</b>	<b>1,895,548</b>	<b>1,334,119</b>
<b>Total Budget Resolution .....</b>	<b>1,880,555</b>	<b>1,903,502</b>	<b>1,325,452</b>
<b>Current Level Over Budget Resolution .....</b>	<b>n.a.</b>	<b>n.a.</b>	<b>8,667</b>
<b>Current Level Under Budget Resolution .....</b>	<b>3,019</b>	<b>7,954</b>	<b>n.a.</b>
<b>Memorandum:</b>			
<b>Revenues, 2004–2008:</b>			
House Current Level .....	n.a.	n.a.	8,383,689
House Budget Resolution .....	n.a.	n.a.	8,168,933
Current Level Over Budget Resolution .....	n.a.	n.a.	214,756

<sup>1</sup> Pursuant to section 502 of H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2004, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the current level excludes budget authority of \$86,004 and outlays of \$38,056 from previously enacted bills.

<sup>2</sup> For purposes of enforcing section 311 of the Congressional Budget Act in the House, the budget resolution does not include Social Security administrative expenses, which are off-budget. As a result, the current level excludes these items.

Notes: n.a. = not applicable; P.L. = Public Law.

Source: Congressional Budget Office.

#### MISLEADING AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. MEEHAN) is recognized for 5 minutes.

Mr. MEEHAN. Mr. Speaker, I rise tonight to express my concern that the administration has misled Congress and the American public on the most pressing issues we are facing here at home and abroad. It is time that the administration was truthful to the American public about the cost of the war in Iraq.

Last week President Bush said in his address to the Nation that the administration is constantly reviewing the needs of our troops and will provide whatever additional resources are needed. Yet this is the same administration that sent our troops to war without adequate body armor, antijamming devices or armored Humvees. Our troops in the theater did

not even have enough body armor and protective SAPI plates until January of 2004.

As of today less than 50 percent of the 12,800 armored Humvees that we need in Iraq and Afghanistan are equipped with reinforced doors and windows. This is in part because the \$87 billion supplemental for the Iraq war that Congress passed last November included only \$239 million to up-armor Humvees, far short of what is needed.

I supported a substitute version proposed by the gentleman from Wisconsin (Mr. OBEY) that would have provided \$3 billion to reinforce Humvees and other unarmored vehicles used by our forces. Unfortunately, the Republican leadership refused to allow the House a vote to consider the Obey proposal. Is it not ironic that anyone who did not vote for this \$87 billion package, they say, you are against anything for the troops, when it truth they orchestrated the

vote so those of us who want to provide more funding for the troops to provide them with the up-armored Humvees were not allowed a vote. Clearly the funding for upgrades to the Humvees and other force protection initiatives have been inadequate.

On March 18, 2004, the Defense Department formally requested Congress to shift \$190 million previously allocated to other uses to cover the cost of armoring Humvees for fiscal year 2004. According to the defense expert Michael O'Hanlon at the Brookings Institution, simply maintaining current troops levels beyond June could add nearly \$4 billion in unfunded costs through the end of this year. Yet President Bush's \$521 billion defense budget for fiscal year 2005 includes no money, no money for military operations in Iraq or Afghanistan.